

REMARKS

The specification and claims have been amended to improve the style of this application.

Applicant thanks the Examiner for the very informative telephone interview, and for providing a translation of the Andronis reference. Applicant has reviewed the translation of the reference, and finds it to be very informative with regard to the structure of Andronis. In particular Applicant notes that Andronis describes a shell element 4 in Figures 1 - 3. This shell element 4 is described in the translation on page 6 line 7 as being guided through guide slot 9. Guide slot 9 is formed between the guide element top 7 and the guide element bottom 8, page 6 lines 5 - 7. As is clear from Figure 2 of Andronis, shell element 4 slides between elements 7 and 8. The translation on page 6 line 20 indicates that the shell element 4 is pushed into one of the free spaces 12. It is quite clear than that elements 7 and 8 are stationary and element 4 slides between them.

A similar scenario is present in Figure 3 where guide elements 22 include a guide element top 23 and a guide element bottom 24. The slot cover element is designed as a flexible flat part 20, and the translation indicates that flat part 20 can be moved into one of the free spaces 12, page 6 line 32. A person of ordinary skill in the art would easily see that the flat part 20 and the edges 21 slide in between elements 24 and 23.

Figure 4 of Andronis is discussed in the translation on page 7 in the last three paragraphs. Elements 39 through 42 of Andronis are described as guide elements or guide rods. Applicant finds no teaching nor suggestion in Andronis of elements 39 - 42 being movable with respect to a cover. Applicant notes that the rejection equates element 2 of

Andronis with the cover of the present application.

Andronis also does not indicate whether elements 39 through 42 are rotatable when the flexible band 38 or 44 is moved in the transverse shifting path 10. Andronis however does indicate in the very last sentence on page 7 that the band 38 or 44 is also pushed to slide in the direction of the longitudinal shifting path 14 via guide rods 39 - 42. Applicant notes that the phrase "longitudinal shifting path 13" appears to be incorrect, since element 14 is previously described as a bearing cage 14, and the longitudinal shifting has previously been set forth in the last line on page 5 of the translation as having reference 13. It is Applicant's understanding that the longitudinal shifting path in Figure 4 would be in and out of the page, and that band 38 or 44 slides on elements 39 - 42. Therefore elements 39 - 42 do not move with respect to element 2 which has been equated with the cover of the present invention.

Claim 36 sets forth a louver guide which the rejection equates with elements 39 - 42 of Andronis. Claim 36 sets forth that the louver guide is movably connected to the cover plate. Since Andronis does not teach nor suggest that elements 39 - 42 are movably connected to a cover plate 2, elements 39 - 42 of Andronis cannot anticipate the louver guide of claim 36. Applicant further notes that the translation describes on page 3 lines 12 - 13 that the guide elements are preferably designed integral with the cowling, for example, made from one piece by injection molding. This would lead a person away from making guide elements, such as elements 39 - 42, movably connected to a cover. Therefore the movable connection between the louver guide and the cover in claim 36 would not be obvious in view of Andronis.

On the Interview Summary, the Examiner contends that Applicant's contention is relied

on the intended use statement or the mode of operation of the device. Applicant notes that claim 36 sets forth that the louver guide is connected to the cover plate and that the type of connection is a movable connection. It is Applicant's position that this does not set forth an intended use or a mode of operation of the device, but instead specifically describes the type of connection between the louver guide and the cover plate. This structure is clearly not present in Andronis.

Applicant wishes to point out that, to the extent any process limitations distinguish a product over the prior art, such process limitations must be given the same consideration as traditional product characteristics. In the present application, Applicant has highlighted the structural features of the connection between the cover plate and the louver guide. These features of the invention (whether categorized as process or structure) must be considered. See *In Re Luck and*, 476 F. 2d 650, 177 U.S.P.Q. 523 (CCPA 1973).

no fin  
this  
can

The Interview Summary also states the Examiner's position that because Andronis' Figure 4 shows that when the lever 6, 16 is moved, the elements 14 and 15 are moved therewith, consequently, the other elements 39 - 42 are also moved therewith. Applicant finds no indication in Andronis that movement of elements 6, 14, 15 or 16 requires that the other elements 39 - 42 are also moved therewith. Claim 36 therefore further defines over Andronis.

Applicant notes that some of the objections and rejections made in the last Office Action would be overcome by the changes proposed in this Amendment to the specification and claims. In particular the rejections described in paragraphs 2.(B), 2.(G) and 3.(A).

Applicant is also willing to discuss with the Examiner possibly canceling features from

claims, or removing claims completely in order to overcome rejections with regard to the form of the claims.

Applicant thanks the Examiner for indicating allowable subject matter. If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted  
For Applicant,

By: 

Theobald Dengler  
Reg. No. 34,575

TD:tf  
67526.13

Enclosed: Marked-Up Paragraphs from the Specification  
Marked-Up Version of the Claims

DATE: July 25, 2002  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-  
0410.

## MARKED-UP PARAGRAPHS FROM THE SPECIFICATION

Pages 6 and 7, paragraph starting on page 6 at line 18 and ending on page 7 at line 15:

Referring to the drawings in particular, Figures 1, 2 and 3 show different views of the slot cover according to the present invention. Figure 1 shows a bottom view of the slot cover. The slot cover comprises a support structure 5, which comprises a central plate 5.3 arranged in the middle of the support structure 5 and two supports 5.1 and 5.2 arranged to the side of ~~it~~ the support structure 5. A generous opening 5.4 is provided in the central plate 5.3. Two deflecting elements, which are arranged at the outer ends of the support structure 5 and are formed by two broad deflecting rollers 3.1 and 3.2, at the ends of which two gears 3.3 and 3.4 as well as 3.5 and 3.6 are arranged, ~~are arranged at the outer ends of the support structure 5~~. The broad deflecting rollers 3.1 and 3.2 are mounted rotatably at the ends of the respective lateral supports 5.1 and 5.2. Furthermore, four narrow deflecting rollers 4.1 through 4.4, which form a rectangle with one another with two deflection axes 15, are located in the central area of the supports 5.1 and 5.2. The narrow deflecting rollers 4.1 through 4.4 are also mounted rotatably in the lateral supports 5.1 and 5.2. The louver 2, which forms an endless band, is guided around the deflecting rollers, and part of this endless band consists of a broad band 2.1 and the other part of two narrow bands 2.2 and 2.3, respectively, which pass over with their ends into the ends of the broad band. An opening is provided for the selector lever in the area of the broad band 2.1, and the two narrow bands 2.2 and 2.3 themselves form an opening through which a selector lever can be passed. The lower 2 can include an elastic portion 12, having elastic properties, at least in the circumferential direction of the closed loop, the elastic louver portion being provided over at least a part of a length of the louver.

Pages 9 and 10, paragraph starting on page 9 at line 17 and ending on page 10 at line 5:

NM  
→ Figure 7 shows a bottom view of a cover plate 6, under which the slot cover 1 according to the present invention is arranged. The selector lever 8 - fixed in a sideways pivoted position - is indicated by broken line here as well, in which case the slot cover 1 has also been displaced in relation to the cover plate 6. The displaceability of the slot cover 1 in relation to the cover plate 6 may be achieved, e.g., by the support structure 5 itself being fastened on the shifting device or on the slot cover 1 with a bracket 16, which allows a lateral movement of the slot cover. It would be possible, e.g., to clip the slot cover 1 with the axes of the broad deflecting rollers 3.1 and 3.2 in a clamp on the narrow sides, where the said clamps are substantially narrower in their broad extension than the length of the broad deflecting rollers, so that the entire slot cover 1 can be moved on it from right to left.

**MARKED-UP VERSION OF THE CLAIMS**

37. (~~New~~Amended) A cover in accordance with claim ~~A36~~, wherein:  
said first and second directions are in a plane substantially parallel to a plane of said cover  
plate.

38. (~~New~~Amended) A cover in accordance with claim ~~A36~~, wherein:  
said louver guide is movably connected to said cover plate in said second direction by a  
bracket.